

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

DANIEL STEVEN HARRIS,
Plaintiff,

v.

BERKS COUNTY SHERIFF
DEPARTMENT, *et al.*,
Defendants.

CIVIL ACTION NO. 18-CV-3086

FILED

JUL 26 2018

KATE BARKMAN, Clerk
By _____ Dep. Cl.

ORDER

AND NOW, this 26th day of July, 2018, upon consideration of Plaintiff Daniel Steven Harris's Motion for Leave to Proceed *In Forma Pauperis* (ECF No. 1), his Prisoner Trust Fund Account Statement (ECF No. 3), and his *pro se* Complaint (ECF No. 2), it is **ORDERED** that:

1. Leave to proceed *in forma pauperis* is **GRANTED** pursuant to 28 U.S.C. § 1915(b).
2. Harris, #2000-6651, shall pay the full filing fee of \$350.00 in installments, pursuant to 28 U.S.C. § 1915(b). Based on the financial information provided by Harris, an initial partial filing fee of \$10.80 is assessed. The Warden or other appropriate official at the Berks County Jail System or at any other prison at which Harris may be incarcerated is directed to deduct \$10.80 from Harris's inmate trust fund account, when such funds become available, and forward that amount to the Clerk of the United States District Court for the Eastern District of Pennsylvania, 601 Market Street, Room 2609, Philadelphia, PA 19106, to be credited to Civil Action No. 18-3086. After the initial partial filing fee is collected and until the full filing fee is paid, the Warden or other appropriate official at the Berks County Jail System or at any other prison at which Harris may be incarcerated, shall deduct from Harris's account, each time that Harris's inmate trust fund account exceeds \$10.00, an amount no greater than 20 percent of the

money credited to his account during the preceding month and forward that amount to the Clerk of Court at the address provided above to be credited to Civil Action No. 18-3086.

3. The Clerk of Court is **DIRECTED** to send a copy of this Order to the Warden of the Berks County Jail System.

4. The Complaint is **DEEMED** filed.

5. The Complaint is **DISMISSED** for failure to state a claim, pursuant to 28 U.S.C. § 1915(e)(2)(B)(ii), for the reasons set forth in the Court's Memorandum. Any claims challenging Harris's conviction and sentence for resisting arrest, which are barred by *Heck v. Humphrey*, 512 U.S. 477 (1994), are **DISMISSED without prejudice** to Harris's right to pursue them in a new lawsuit if and when his convictions are invalidated. Harris's remaining claims are **DISMISSED with prejudice** as time-barred. Harris may not file an amended complaint in this matter.

6. The Clerk of Court shall **CLOSE** this case.

BY THE COURT:



WENDY BEETLESTONE, J.